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8 Attorney for Defendant

9 **MELISSA LANDGRAF**

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 vs.

15 **MELISSA LANDGRAF,**

16 Defendant.

17 Case No.: 2:21-CR-264-RFB-NJK

18 (FIRST REQUEST)

19 **STIPULATION AND ORDER TO CONTINUE SENTENCING**

20 **IT IS HEREBY STIPULATED AND AGREED**, by and between **SIMON KUNG, ESQ.**, Assistant United States Attorney, counsel for the United States of America, and **OSVALDO E. FUMO, ESQ.**, counsel for **MELISSA LANDGRAF**, that the Sentencing Hearing currently scheduled for January 18, 2022, at 10:00 a.m., be vacated and reset or a date and time convenient to the court, but not earlier than 90 days.

21 1. Counsel for defendant has spoken to defendant and she has no objection to the request of continuance.

22 2. Defendant is out of custody and out on pretrial release.

23 3. Counsel has spoken to AUSA Simon Kung and he does not oppose to the continuance.

4. Counsel needs additional time to prepare for sentencing and to go over defendants issues and concerns.
5. Denial of this request for continuance could result in a miscarriage justice.
6. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing until a date and time convenient to the court.

This is the 1st request for continuance filed herein.

DATED this 13th day of January 2022.

/S/ Osvaldo E. Fumo, Esq.

OSVALDO E. FUMO, ESQ.
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Attorney for Defendant
MELISSA LANDGRAF

/S/ Simon Kung, Esq.
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9 **MELISSA LANDGRAF**

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,

14 vs.

15 **MELISSA LANDGRAF,**

16 Defendant..

17 Case No.: 2:21-CR-264-RFB-NJK

18 **FINDINGS OF FACT**

19 1. Counsel for defendant has spoken to defendant and she has no objection to the
20 request of continuance.

21 2. Defendant is out of custody and out on pretrial release.

22 3. Counsel has spoken to AUSA Simon Kung and he does not oppose to the
23 continuance.

24 4. Counsel needs additional time to prepare for sentencing and to go over defendants
25 issues and concerns.

26 5. Denial of this request for continuance could result in a miscarriage justice.

27 6. For all the above-stated reasons, the ends of justice would best be served by a
28 continuance of the Sentencing Hearing until a date and time convenient to the court.

1 This is the 1st request for continuance filed herein.

2 **CONCLUSIONS OF LAW**

3 Denial of this request for continuance would deny the parties herein the opportunity
4
5 to effectively and thoroughly prepare for Sentencing Hearing.

6 Additionally, denial of this request for continuance could result in a miscarriage of
7 justice.
8

9 **ORDER**

10 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for January
11
12 18, 2022, at 9:00 a.m., be continued to the 26th day of April,
13 2022 at 9:00 AM, in courtroom 7C.
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16 DATED this 15th day of January, 2022.

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20 RICHARD F. BOULWARE, II
21 UNITED STATES DISTRICT JUDGE
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